

MINUTES of the regular City Council meeting of Wellsville City held Wednesday, October 19, 2016, at the Wellsville City Offices at 75 East Main. City officials present were Mayor Thomas G. Bailey, Councilwoman Mary Ann Degn, Councilmen Gary Bates, Colin Harrison, Carl Leatham, and Perry Maughan. City Manager/Recorder Scott Wells was also present. A copy of the Notice and Agenda was mailed to the Mayor and Council members and emailed and faxed to the Herald Journal on October 14, 2016. The meeting was called to order at 6:00 p.m. by Mayor Thomas G. Bailey.

<u>Others Present:</u>	Jennifer Leishman	Brad White	Clayton White
	Krista White	Tenaya Garrett	Brandon Jackson
	Angie Jackson	Austin Cranney	Christina Cranney
	Reg Burningham	Shanna Burningham	Bill Tingey
	Kendall Leishman	Janie Isaacson	Bonnie Harrison
	Kaylene Ames	Kehler Ames	Jonathan Cook
	Blake Brenchley	Justin Brenchley	Scott Hendry

Opening Ceremony: Perry Maughan

The Council reviewed the agenda. Carl Leatham made a motion, seconded by Mary Ann Degn, to approve the agenda as presented.

<u>YEA 5</u>	<u>NAY 0</u>
Gary Bates	
Mary Ann Degn	
Colin Harrison	
Carl Leatham	
Perry Maughan	

The Council reviewed the minutes of the October 5, 2016 regular City Council meeting. Colin Harrison made a motion, seconded by Gary Bates, to approve the minutes of the October 5, 2016 regular City Council meeting as presented.

<u>YEA 4</u>	<u>NAY 0</u>	<u>ABSTAIN 1</u>
Gary Bates		Perry Maughan
Mary Ann Degn		
Colin Harrison		
Carl Leatham		

Payroll is approved through the budget, therefore, the checks approved in the City Council minutes aren't in numerical order from City Council meeting to City Council meeting as the City uses the same checking account for payroll and accounts payable. After review and discussion, Carl Leatham made a motion, seconded by Colin Harrison, to approve the City's account payables bills for payment, represented by check number 20018 through 20125.

<u>YEA 5</u>	<u>NAY 0</u>
Gary Bates	
Mary Ann Degn	
Colin Harrison	
Carl Leatham	
Perry Maughan	

No one was in attendance for citizen input.

Jen Undhjem was to meet with the City Council concerning a business license. Ms. Undhjem was not in attendance. Carl Leatham stated that Ms. Undhjem would like to operate a housekeeping business from her home. The office for the business will be in her home. There will be no customers coming to her home. Mr. Leatham stated that the Planning Commission approved the conditional use permit with no restrictions.

After discussion, Carl Leatham made a motion, seconded by Mary Ann Degn, to approve the business license for Jen Undhjem for a housekeeping business from her home.

YEA 5

NAY 0

Gary Bates
Mary Ann Degn
Colin Harrison
Carl Leatham
Perry Maughan

Brad White met with the City Council to discuss the use of the old elementary school. Brad White stated that he was turning the issue over to his son, Clayton White. Clayton White stated that he works for Cache County School District. The conclusion of the old Wellsville elementary school is that it is going to be torn down. Mr. White stated that as a citizen of Wellsville City, he has some ideas as to what the building could be used for to benefit the community. Mr. White suggested retrofitting the building for a day care, such as Little Wonders in Nibley. Mr. White stated that he has talked to several people at the district office. Mr. White stated that he discussed the issue with Superintendent Steve Norton. Mr. White stated that Superintendent Norton would not discuss the issue with Mr. White until Mr. White had spoken with Wellsville City. Mayor Thomas G. Bailey brought Mr. White up-to-date concerning the old elementary school. Mayor Bailey stated that Wellsville City considered moving the city office into the old elementary school. Mayor Bailey stated that Cache County School District was willing to donate \$500,000 to Wellsville City to tear down what Wellsville City didn't want as part of the city office, and the rest would have to be covered by Wellsville City. Mayor Bailey stated that the City Council voted to have Cache County School District tear down the old elementary school and Wellsville City voted to build a new city office. Carl Leatham stated that Wellsville City looked into keeping the newer parts of the old elementary school. Mr. Leatham stated that the electrical would need to be completely redone. Because there would be a change of use to the building, the building would have to be brought up to code. Mr. Leatham stated that the cost to bring the building up to code was over \$1 million, and there were still no guarantees. Mr. Leatham stated that Wellsville City hopes to acquire the property to use to benefit Wellsville City. Gary Bates stated that using the building as a city office, there were code requirements. Mr. Bates stated that he would think that the code requirements would be more stringent for a day care than an office building. Mr. White thanked the City Council for their time.

At 6:30 p.m., conduct a public hearing to receive public input, and then consider for approval a totally rewritten "Storm Drainage" code. Mayor Thomas G. Bailey stated that Zan Murray attended a previous City Council meeting to discuss this code. Mayor Bailey stated that the code has been written. Gary Bates stated that he has an issue with citizens of Wellsville City paying for new development. New development should be paid for by the developer. Mr. Bates asked under section 8-5-21-B-4 who the "city" is in this case. Mr. Bates stated that this is another ordinance that Wellsville City can't enforce. Perry Maughan stated that under section 8-5-21, the storm water inspector has the authority. Mr. Maughan stated that he agrees with Councilman Bates. Mr. Bates stated that the code should be written so that it is enforceable. Mr. Bates stated that Wellsville City should pick a number for a fee. If Wellsville City is in the hole at the end of the year, Wellsville City could raise the fee. If Wellsville City has made money at the end of the year, Wellsville City could lower the fee. Mr. Maughan stated that a storm water inspector earns roughly \$52,000 per year. Mr. Maughan stated that he has discussed this issue with other cities, and a storm water inspector is not a part-time job. Scott Wells asked if the problem is with new development or with Wellsville City. Mr. Bates stated both. Mr. Wells stated that both should pay. Mr. Maughan stated that when a subdivision is larger than one acre, then this code comes into play. Mr. Maughan believes that this issue should be discussed more before the code is adopted. Mayor Bailey asked if Mr. Wells would contact Zan Murray and discuss the concerns that the City Council has raised. Don Hartle stated that the developer does pay some fees. Mr. Maughan stated that Wellsville City already has an engineer, and asked why Wellsville City is paying both Jones & Associates and Zan Murray. Mr. Maughan stated that Jones & Associates has expertise in this hear, and he would like to hear their ideas. Mayor Bailey stated that Zan Murray is helping the entire county write these codes. Mr. Maughan stated that he realizes that Zan Murray is helping the county with this issue. Every city should have the same information, just fine tune it to their city. Mr. Maughan stated that he appreciates Zan Murray and his service, but he would like to know how

Jones & Associates feel about the issue. Colin Harrison asked if Zan Murray is working for the county, and he is very well educated, then why is the code incomplete. Mayor Bailey stated that he had no idea. Mr. Maughan stated that he would like to have a second opinion concerning this code.

At 6:45 p.m., the public hearing was closed.

After discussion, Gary Bates made a motion, seconded by Perry Maughan, to include fees for developers and/or developments as part of the construction fees, better define the fines, the storm water inspector to oversee the fines with the City Manager and City Council, and fees with permits to cover the cost of storm water.

YEA 5

NAY 0

Gary Bates
Mary Ann Degn
Colin Harrison
Carl Leatham
Perry Maughan

The City Council discussed options at 100 East 300 South for speed control. Scott Wells stated that Wellsville City is having a problem with cars speeding in this area. Mr. Wells stated that the City Council needs to discuss options for slowing down and/or stop signs. Gary Bates stated that this discussion is not a public hearing, but there are neighbors in the area that are in attendance to this meeting. Mr. Bates stated that the bottom line is that the yield signs are not accomplishing what he had hoped they would. Mr. Bates stated that the trail from 400 South and Main Street enters 100 East between 300 South and 500 South, which is in the bottom of the road. Mr. Bates stated that concerns are pedestrians, children at the park, and someone getting hurt in the part area. Mayor Thomas G. Bailey asked what Mr. Bates would recommend. Mr. Bates stated that he believes speed bumps would add to the fun. Mr. Bates recommends stop signs going north and south at 300 South. Mayor Bailey stated that the yield signs would be replaced with stop signs. Perry Maughan suggested law enforcement patrolling the area at specific times. Mr. Maughan stated that stripes could be painted across the road, such as a pedestrian crossing. Mayor Bailey stated that law enforcement could sit in the area, but there will be a learning curve. Mr. Maughan suggested 25 MPH signs in the area. Carl Leatham stated that 100 East between 300 South and 500 South receives a lot of out of town traffic for ballgames and reunions at the park. Colin Harrison suggested "Children At Play" signs. Mr. Bates stated that pedestrian signs could be installed at a later date. Mr. Harrison stated that stop signs and white stripe lines are worth a try. Mr. Maughan stated that by doing this, it regulates everyone, but being willing to do it is a different story. Mr. Maughan stated that Wellsville City invests in law enforcement, and he would like to know where the tickets are being written. After discussion, Gary Bates made a motion, seconded by Colin Harrison, to install stop signs going north and south at 100 East 300 South, and white stripes at 100 East 400 South

YEA 4

NAY 1

Gary Bates
Mary Ann Degn
Colin Harrison
Carl Leatham

Perry Maughan

After discussion, the previous motion was amended by Perry Maughan, seconded by Gary Bates, to install 25 MPH signs along 100 East at 200 South and 500 South.

YEA 5

NAY 0

Gary Bates
Mary Ann Degn
Colin Harrison
Carl Leatham
Perry Maughan

The City Council discussed rental of city properties. Perry Maughan stated that he spoke with Scott Wells and Don Hartle. Mr. Maughan believes that Wellsville City is land poor. Mr. Maughan stated that the list of rental properties that Mr. Hartle was working on is not complete. Mr. Maughan suggested letting citizens bid on the rental of properties owned by Wellsville City. Mr. Maughan stated that Wellsville City owns a lot of farm ground property. Mr. Maughan would like to discuss and decide how to approach this issue. Mr. Maughan stated that he understands that there are special circumstances with some properties. Mr. Maughan wondered if Wellsville City could have an idea by spring of 2017. Mayor Thomas G. Bailey stated that he, Scott Wells, and Don Hartle met with the City Attorney concerning rental properties. Mayor Bailey stated that the City Attorney stated that Wellsville City does not have to put the rental properties out for bid. Mayor Bailey stated that Wellsville City should find out what people are willing to pay, and then Wellsville City decides what to charge. Mayor Bailey stated that he is almost not in favor of bidding for rental properties. Gary Bates stated that this issue has been discussed before, and he is surprised the City Attorney gave Wellsville City that advice. Mayor Bailey stated that he mentioned the Woodward property to the City Attorney. That property was purchased in order to land apply sewer water. Mayor Bailey stated that anyone who rents that property would have to enter into a contract with Wellsville City and understand the terms of the contract. Wellsville City waters the property from the sewer pond whenever it is needed. Mayor Bailey stated that some individuals that rent property from Wellsville City believe that they own the property. Wellsville City needs to maintain control of the properties, especially on property that is being land-applied by sewer water. Mr. Maughan stated that it should be up to the City's digression. Colin Harrison asked if all of the rental properties owned by Wellsville City are rented or vacant. Mr. Maughan stated that if the rental properties are not bid out, individuals that are renting them may be paying less than what the property is worth. Mr. Maughan suggested putting a limit of how long the property will be rented, and to grade the property. Mr. Bates stated that the problem is that until the list is created, Wellsville City doesn't know if the property is rented or not, and how much the property is being rented for. Carl Leatham stated that something to consider is that a weed patch that Wellsville City owns can become a nuisance. Mayor Bailey stated that he spoke with Clark Israelsen with the County Extension Service. Cache County has completed some research concerning rental properties. Mayor Bailey handed out a paper indicating what individuals are paying for rental farm property. Mr. Harrison asked what the City Attorney recommended. Mayor Bailey stated that he suggested setting a price, and then finding a renter. Mr. Bates suggested putting together a form letter. Mayor Bailey stated that Wellsville City would need to put together a contract for each property. Blake Branchley stated that his family has rented some property from Wellsville City for \$85 per acre for the past 50 years. There was no contract; it was a gentleman's agreement. Mr. Branchley stated that he doesn't mind the property being watered with sewer water. Mr. Branchley stated that he would like to keep renting the property. Mr. Maughan stated that grading the property and putting it out for bid is something that the City Council needs to discuss. Mayor Bailey stated that the City Attorney stated that Wellsville City needs to make a decision before the crop season is over, or the property goes to the individual who has been renting it. Mayor Bailey stated that the City Attorney mentioned November. Mr. Bates suggested letting Mr. Branchley run the property that he has rented for the past 50 years for another year until Wellsville City can get a handle on this issue. Mr. Maughan stated that Wellsville City needs to be fair to everyone. Mayor Bailey explained the point system that the LDS Church used when renting the Church farm property. Mr. Harrison stated that with the bidding system, Wellsville City will have their hands tied by taking the high bid. Mr. Maughan suggested waiting until next spring to set a date. Mr. Harrison stated that he agrees with Mr. Bates concerning completing the list and making comparisons. After discussion, Perry Maughan made a motion, seconded by Gary Bates, that between now and May 1, 2017, Mayor Thomas G. Bailey and City Manager Scott Wells will select someone from the City Council to help obtain a list of properties owned by Wellsville City, including renter and amount, and then the City Council member will present their findings to the City Council. The renters will be contacted by August 1, 2017.

YEA 5

Gary Bates
Mary Ann Degn
Colin Harrison
Carl Leatham
Perry Maughan

NAY 0

The City Council discussed the City Attorney. Perry Maughan stated that he has discussed this issue with Don Hartle and Scott Wells. Since Bruce Jorgensen passed away, Miles Jensen has served as the attorney for Wellsville City. Mr. Maughan stated that the City Council has never adopted a code or resolution as to who represents Wellsville City. Mayor Thomas G. Bailey stated that Wellsville City has dealt with Olson & Hoggan for years. Mayor Bailey stated that Mr. Jorgensen was working on water rights for Wellsville City when he passed away. Mayor Bailey stated that he called Brent Hoggan. Attorney Miles Jensen and another attorney attended a City Council meeting. Mayor Bailey stated that the City Council discussed staying with Olson & Hoggan, but never made a motion. Mayor Bailey stated that he has met with Attorney Miles Jensen, and there are been a lot of work done concerning the water rights. Mayor Bailey stated that the woman in the office in charge of water rights is very knowledgeable. Scott Wells stated that he agrees. Don Hartle stated that a motion to approve Olson & Hoggan is needed. Mr. Bates asked about rate comparison. Mr. Hartle stated that there are cheaper attorneys. Carl Leatham stated that you get what you pay for. Mr. Bates asked if it was possible to get a rate sheet from Olson & Hoggan. Scott Wells stated that he would try to obtain a rate sheet from Olson & Hoggan. After discussion, Perry Maughan made a motion, seconded by Gary Bates, to approve Olson & Hoggan as City Attorney, and readdress this issue in one year.

YEA 5

NAY 0

Gary Bates

Mary Ann Degn

Colin Harrison

Carl Leatham

Perry Maughan

The City Council discussed agriculture buildings with residential zoning. Mayor Thomas G. Bailey stated that he has reviewed the zoning map of Wellsville City, and there are no agriculture zones in Wellsville City. Mayor Bailey stated that Reg Burningham would like to build an agriculture building. Reg Burningham stated that the property is in green belt, but he thought it was in a flood zone. Mr. Burningham would like to build a pole barn for hay coverage. Mayor Bailey stated that he knows that if you live in the county, you can build an agriculture building without a building permit. However, an engineer has to design the building. Gary Bates stated that the Wellsville City code states that if the building is over 200 square feet, a building permit is required, and if the building is over 600 square feet, footings and foundation is required. Mr. Burningham stated that he called Wellsville City, and was instructed to contact Don Davis. Mr. Burningham stated that he spoke with Mr. Davis, and Mr. Davis is okay with a pole barn for hay coverage. Mr. Burningham stated that he doesn't see a need for a building permit. Mr. Burningham stated that Kirt Archibald built a barn in the county, and he didn't have to have a building permit. Mr. Burningham stated that part of his property is in the county, and the other part of the property is in Wellsville City. Perry Maughan asked if the property is in a flood zone. Blake Brenchley stated that the entire property is in a flood zone. Mr. Maughan stated that he was asking because he didn't know. Carl Leatham stated that the City Council can't address Mr. Burningham's project without looking at the big picture of what can happen throughout all of Wellsville City. Mr. Leatham stated that his concern is that a building will be built without a building permit because it is classified as an agriculture building this year, and then turns into something else the next year. Mr. Leatham stated that there is potential for this issue to be abused. Mr. Burningham stated that he agrees with Councilman Leatham. Mr. Burningham asked how it came to be that Wellsville City has no agriculture zone. Mr. Bates stated that it is by design. Mr. Leatham stated that agriculture uses are allowed in Wellsville City. It is a residential zone with agriculture use. Mr. Leatham stated it is how Wellsville City was zoned. Mary Ann Degn asked how big the pole barn would be. Mr. Burningham stated that it is approximately 40 feet by 60 feet. Mr. Maughan asked if the pole barn would fit on the county side. Mr. Burningham stated that he owns 10 acres and the bottom 3 acres are in the county. Mayor Bailey stated that there are no agriculture zones in Wellsville City, and a building permit would be required. Mr. Maughan suggested that the Planning Commission review this request. Mr. Burningham thanked the City Council for their time.

The City Council approved the signature for who is going to sign the monthly Sewer Discharge Monitoring Report. Scott Wells stated that Don Hartle has been signing the report. Tom Maughan is in charge of the report. Mr. Wells stated that his question is should he or Tom sign the report. Don Hartle stated that in

1988, the mayor at that time signed a permit that requires the minutes to reflect who is to sign the report. Perry Maughan asked how Mr. Wells feels about the issue. Mr. Wells stated that he feels that it falls under the City Manager responsibilities. After discussion, Gary Bates made a motion, seconded by Carl Leatham, that Scott Wells will sign the monthly Sewer Discharge Monitoring Report.

YEA 5

NAY 0

Gary Bates
Mary Ann Degn
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Department Reports:

Mary Ann Degn – 1) Web page – asked Jonathan Cook to present his ideas. Contacted Hyrum and Nibley cities to discuss their web pages. Hyrum has a City Council person who manages the website, and others contribute. Nibley contracted with a company, and the administration staff updates the website. Discussed with West Host about updating Wellsville City's current website. Currently paying \$107.40 per year. Discussed two different packages, package "A" is \$72 per year, and package "B" is \$132 per year. Mr. Cook recommended hiring a company to create a template for the website. After discussion, Gary Bates made a motion, seconded by Perry Maughan, to upgrade to package "B" at \$132 per year, and that Jonathon Cook will obtain a quote for creating a template.

YEA 5

NAY 0

Gary Bates
Mary Ann Degn
Colin Harrison
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Perry Maughan

2) Asked if there is a possibility of paving 200 East from 200 South to the Wellsville Dam. Councilman Perry Maughan stated that he would research spraying dust guard on the road. Mr. Maughan stated that before Wellsville City paves this road, he would like to improve the water and sewer system in the area.

Gary Bates – 1) New ATV ordinance – county deputy took a copy. Asked if anyone had received any feedback about it. Asked Councilman Carl Leatham to follow up on this issue.

2) Email from Ryan Piggott – starting a petition to have Cache County School District turn the old elementary school back into an elementary school, and the new elementary school back into a middle school.

3) Home occupation businesses paying taxes – Councilwoman Karen Higley did some research, and he is concerned that a lot of tax dollars are slipping through Wellsville City's fingers that they are not capturing. Don Hartle stated that Wellsville City receives a check every month from the State Tax Commission. Asked that Scott Wells contact the State Tax Commission for a list of businesses that Wellsville City is receiving reimbursement for taxes.

Carl Leatham – 1) In a previous City Council meeting, discussed an alternate as part of the Planning Commission. Discussed this with the Planning Commission, and it is already allowed. Mr. Leatham suggested Kaylene Ames to serve as the alternate for the Planning Commission. After discussion, Carl Leatham made a motion, seconded by Gary Bates, to appoint Kaylene Ames as an alternate for the Planning Commission.

YEA 5

NAY 0

Gary Bates
Mary Ann Degn
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2) Discussed law enforcement – Wellsville City is allotted 40 hours per month, and there are requests all over town. Mr. Leatham stated that resources are spread very thin, and asked that the City Council remember to pick wisely.

3) Land swap with Cache County School District – working with Scott Wells. Wellsville City needs to discuss the issue with Paul Egbert, and move forward on this issue.

City Manager/Recorder's Report:

Scott Wells – 1) Cache Summit – November 10, 2016 – please let Scott Wells know if you are interested in attending.


Don Hartle – 1) Reviewed court expenses and revenue for July, August, and September. The annual contract for the Cache County Sheriff's Department is \$50,519.

At 8:38 p.m., Mary Ann Degn made a motion, seconded by Perry Maughan, to adjourn the meeting.


YEA 5

Gary Bates
Mary Ann Degn
Colin Harrison
Carl Leatham
Perry Maughan

NAY 0



Thomas G. Bailey
Mayor *pro tem* Mary ANN Degn



Scott E. Wells
City Manager/Recorder